III. REMARKS

1. Claim 1 is amended to address the rejection under 35 U.S.C. §112, first paragraph. The claim now specifies that the copyright years pertain to software. The term "common" is replaced with "copyright" in claim 1 and 11.

Claims 11 and 15 should now be fully supported by the specification.

2. The changes to claims 1 and 11 should address the rejection under 35 U.S.C. §112, second paragraph. The claims are supported by the specification, see for example, page 5, line 12 to page 6, line 10. Generally, the system polls, collects and displays to manage copyright information for the system. (Page 5, lines 14-16). Attribute data (i.e. copyright data, license data or any other suitable type of software data) is reported to and collected by the system manager 22. (Page 5, lines 17-22). Platforms report as an attribute a copyright years list. (Page 5, lines 29-32). Thus, it is submitted that the present language of the claims is fully supported by the specification as filed.

3. Claims 3-6 and 8-11 are not anticipated by Nakagawa et al. ("Nakagawa") (U.S. Publication No. 2003/0159065 A1) under 35 U.S.C. §102(e).

Nakagawa does not disclose or suggest each feature of Applicant's invention as set forth in claim 3.

Applicant's invention according to claim 3 collects attribute data from multiple platforms, recognizes the copyright data, processes the copyright data into a list and displays the list to a user.

Nakagawa does not disclose or suggest "platforms" as is described and claimed by Applicant. Nakagawa merely teaches inspecting the copyright with respect to "a plurality of HTML documents." [0050]. An "HTML document" is not a "platform" as is described and claimed by Applicant. For example, referring to page 4, lines 5-14, examples of the types of systems that the management system of Applicant's invention is generally intended to be used for are described.

The "multiple URLs" are not the equivalent of the "multiple platforms" described and claimed by Applicant.

Nakagawa also does not disclose or suggest "polling" as is described and claimed by Applicant. Nakagawa carries out "automatic inspection" of the copyright. [0050]. Nakagawa merely states that the attribute is "acquired." Nakagawa does not disclose or suggest any polling.

Nakagawa also fails to disclose or suggest "displaying the collected attribute data" as is described and claimed by Applicant.

Paragraph [0050] of Nakagawa merely states that the browser 22 allows the user to carry out "operation of the HTML document." With reference to FIG. 3, this essentially means the carrying out "displaying" the home page and the information and links contained therein. There is no disclosure in Nakagawa that any "copyright data" is displayed. FIG. 3 is the illustration of a single home page. There is no copyright data displayed in FIG. 3. It is not the "operation" of the home page referred to in FIG. 3 of Nakagawa to display "copyright data." In fact, there is simply no disclosure in Nakagawa related to displaying the copyright data. Rather, Nakagawa only speaks to "inspection" of

the copyright with respect to "HTML documents." The "inspection" does not include any "display" of the copyright data. (see e.g. [0054-0059].

It is also noted that Nakagawa relies on an attribute "inspection" process. For example, the "taken out copyright information and the copyright information to be inspected" are compared. [0069]. Nakagawa does not process copyright data into a "list" as is claimed by Applicant and Nakagawa certainly does not discuss displaying the copyright data. Rather, the "URL" for the digital data being the object of inspection is output to the output device. [0073]. This is not the same as the "copyright" data as claimed by Applicant.

Thus, since Nakagawa does not disclose each and every feature of Applicant's invention as recited in claim 3, claim 3 cannot be anticipated under 35 U.S.C. §102(e).

Claims 4-11 should be allowable at least in view of their respective dependencies.

Also, claim 4 is not anticipated by Nakagawa because Nakagawa does not disclose or suggest "automatically polling" the platforms during "power on" of the platforms. Paragraphs [0050] and [0062] do not provide any teaching in this regard.

Claim 5 is not anticipated because there is no disclosure related to polling for attribute data initiated by a user request. Nakagawa only discloses "automatically" inspecting copyright data [0011]. Paragraph [0049] talks about updating the HTML document, not inspecting the copyright data.

Claim 8 is not anticipated by Nakagawa because there is no disclosure that "attribute data" is stored as claimed by

Applicant. The "database 12" of Nakagawa stores "documents" described by "HTML." [0047]. Nothing here discusses storing "copyright" or "attribute" data as claimed by Applicant. Paragraph [0050] merely describes "inspection" of copyright, not "storing" the copyright. Paragraph [0062] talks about "acquiring" images, not "storing" as claimed by Applicant.

Claim 9 recites "displaying the attribute data." There is nothing in Nakagawa that discloses the "display" of the attribute or copyright data. Paragraph [0050] makes no reference to the display of copyright data, only the inspection and the results thereof.

Claim 10 is not anticipated by Nakagawa. Nakagawa does not disclose or suggest any display of copyright data. Paragraph [0011] only relates to "inspection", not display. Paragraph [0049] relates to updating the HTML document and makes no reference to "displaying" the copyright data.

Claim 11 is not anticipated because Nakagawa makes no disclosure related to the display of attribute data as described and claimed by Applicant. Paragraph [0063] merely describes reading an attribute and is silent as to any display of the attribute data.

4. Claims 1-2, 7 and 12-17 are not unpatentable over Nakagawa in view of "Strategy for collecting Software Inventory Information Across a Local Area Network." (the IBM Disclosure.") under 35 U.S.C. §103(a).

As noted previously, Nakagawa does not disclose or suggest collecting attribute data from multiple platforms or processing the copyright data into a list or displaying the list.

The IBM disclosure is only related to maintaining or collecting software "inventory" information. The IBM disclosure only explains a "collecting" agent that builds a "list" (inventory) of all the software objects found on a LAN. The IBM Disclosure does not make any reference to an intelligent merging/aggregation, as is claimed by Applicant. The IBM Disclosure treats each software object found as an independent object and does not correlate the object to other found objects.

The IBM Disclosure only relates to "what is installed" and providing a "complete list of all desired software." The IBM Disclosure makes no reference to collecting copyright information or a list of copyright information. Thus, all of the features of Applicant's invention as claimed are not disclosed or suggested.

It is submitted that there is no motivation to combine Nakagawa with the IBM Disclosure to achieve Applicant's invention, as is required for obviousness under 35 U.S.C. §103(a), In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. There must also be a reasonable expectation of success, and the reference(s), when combined, must teach or suggest all of the claim limitations. (See M.P.E.P. §2142). As noted above, Nakagawa and the IBM Disclosure does not disclose or suggest each feature of Applicant's invention as claimed.

Neither reference provides the requisite suggestion or motivation to modify the references as proposed by the Examiner. The Examiner's proposition that Applicant's invention would be obvious as recited in the claims is not supported by the factual

contents of Nakagawa and the IBM Disclosure. Nakagawa relates to acquiring copyright information from the HTML documents, i.e. "web pages" not "platforms" as is described and claimed by Applicant. The IBM disclosure relates to an "inventory" of software objects-not acquiring copyright information as is described and claimed by Applicant. Nakagawa is not interested in an "inventory" of copyright information, only the inspection of the copyright data. In fact, Nakagawa makes no mention of displaying or providing the copyright data to the user and certainly does not teach providing any type of list of "copyright" information. At most, the combination of Nakagawa and the IBM Disclosure would be to provide an inventory of HTML documents or even perhaps an inventory of HTML documents for which copyright information has been "inspected." But neither reference relates to acquiring, displaying or providing a list of copyright information as is disclosed and claimed by Applicant. Thus, the legal motivation to combine these references to achieve Applicant's invention as recited in the claims, for purposes of 35 U.S.C. §103(a) is simply not present.

Thus, references themselves and/or the knowledge generally available to one of skill in the art do not provide the requisite motivation or suggestion to modify the references as proposed for purposes of 35 U.S.C. §103(a). When "the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference." In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). The Examiner is required to provide an indication as to where any such teaching, suggestion or motivation appears in the references. Absent such teaching, it is submitted that a *prima facie* case of obviousness over Nakagawa and the IBM Disclosure under 35 U.S.C. §103(a) is not established.

Thus, claims 1 and 12 should be allowable. Claims 2 and 13-17 should be allowable at least in view of their respective dependencies.

Claim 7 depends from claim 5 and should be allowable at least by reason of its dependency. Furthermore, the IBM Disclosure does not disclose "collecting" license information. Rather, it discloses the control of "software" for licensing control.

With respect to claim 13, neither Nakagawa nor the IBM Disclosure relate to "collecting" copyright data as claimed Applicant.

With respect to claim 14, there is no disclosure in either of the references to "storing" the copyright data as claimed by Applicant. Nakagawa only "inspects" the copyright and the IBM Disclosure does not discuss copyright data.

With respect to claim 15, Nakagawa paragraph [0088] is absolutely silent as to any collection of attribute data from multiple platforms "simultaneously."

With respect to claim 16, neither reference discloses passing the attribute data to the user interface. Nakagawa does not pass the copyright data on, it only inspects it.

With respect to claim 17, Nakagawa is completely silent with respect to the generation of a "list" of copyright years. Thus, this limitation is also not taught.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should

any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for an extra claim fee ($50) together with any other fees associated with this communication or credit any over payment to Deposit Account No. 24-0037.

Respectfully submitted,

Geza C. Ziegler, Jr.
Reg. No. 44,004

7 July 2005
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800 Ext. 134
Customer No.: 2512

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